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C O N F I D E N T I A L KUWAIT 001501

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FOR NEA/ARPI AND S/WCI

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SUBJECT: GTMO DETAINEE NASSER AL-MUTAIRI RELEASED ON BAIL

REF: A. KUWAIT 1075

[1](#)B. 04 KUWAIT 3369

Classified By: Ambassador Richard LeBaron for reasons 1.4 (b) and (d)

[1](#)1. (C) Summary: Former Guantanamo detainee Nasser Al-Mutairi (US9-KU-000205DP), who was transferred to Kuwaiti custody on January 15, was released April 13 on bail of KD 200 (USD 680) by the Criminal Court, pending the June 1 resumption of the case against him. The court's decision contradicts written and verbal assurances from the Ministry of Foreign Affairs that any Guantanamo detainee released to the GOK would be incarcerated, tried, and imprisoned for terror activities. Ambassador contacted MFA U/S Al-Jarallah who reported, after making inquiries, that the release was temporary and based on humanitarian concerns. The Ambassador registered a strong protest that the agreement between the two governments on Al-Mutairi's repatriation, particularly regarding advance notice of release plans, had been violated, an assertion Al-Jarallah did not dispute. End Summary.

[1](#)2. (U) English and Arabic dailies reported April 14 that former Guantanamo detainee Nasser Al-Mutairi, who was repatriated to Kuwait on January 15, had been released by the Criminal Court on bail of KD 200 (USD 680) and banned from traveling outside of Kuwait. His trial, which began March 9, has been adjourned until June 1 when the arresting Kuwait State Security officer will testify. Al-Mutairi was charged with working for the interests of a foreign country and those serving it; not obtaining permission to join foreign military forces opposed to another country; and undergoing illegal weapons training (ref a). He pleaded not guilty to all charges and his lawyer said Al-Mutairi had been sold by Pakistani bounty hunters to U.S. forces for USD 25,000. His release on bail, according to the press, results from his attorney's request for a determination on the legal status of the Taliban, and the status of Kuwaiti-Taliban relations prior to Operation Enduring Freedom, as well as Al-Mutairi's poor health and need for special medical attention.

[1](#)3. (U) Al-Mutairi, who reportedly suffers from torn tissue in his right knee and a back tumor, the humanitarian grounds for his release, told Arabic daily Al-Rai Al-Am, "I'm a newborn and Islam condemns terrorism and rejects it." He praised the GOK for its fairness and for standing by him, and alleged that while detained at Guantanamo he was tortured, drugged, and subjected to 36-hour long interrogation sessions.

[1](#)4. (C) Ambassador called Under Secretary of Foreign Affairs, Khalid Al-Jarallah the morning of April 14. Al-Jarallah, who said he had just returned from Sudan, had not heard about the release, and got back to Ambassador a half hour later to say that "unfortunately, they released him." He said the release will be temporary and he will be back in court. (Note: the timing and circumstances were left vague.) Al-Jarallah said he was told that Al-Mutairi had been dealt with in this way because he is sick, and reiterated that it is a temporary move. He said that this was the information that he had for now, but the MFA would follow up with the Ministry of Justice on Saturday when it reopens after the weekend, and get back to us with anything further. The Ambassador registered a strong protest that the GOK did not follow the written understanding with us that the USG be provided "reasonable notice" of any decision "to release or transfer." The Ambassador also advised Al-Jarallah that the USG and Kuwait reached an implicit but clear understanding during talks on this case that the individual would not be released. Al-Jarallah did not dispute this.

[1](#)5. (C) MFA Director of Coordination and Follow-Up, Ambassador Khalid Al-Maqamis, told PolChief he was "surprised" by the court's decision, confirmed the release was based on humanitarian grounds, and echoing Al-Jarallah, stated the release was temporary. He added that the GOK respected the terms of the bilateral agreement on detainee transfer and would take up the matter with the MOJ on Saturday.

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